

LAW OFFICES
BARRY R. LIPSITZ

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468

PATENTS, TRADEMARKS, COPYRIGHTS

TELEPHONE: (203)459-0200
FACSIMILE: (203)459-0201

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION OR DIVISION
OF AN INTERNATIONAL APPLICATION**

Sir:

This is a request for filing a *continuation* application under 37 C.F.R. 1.53(b), of pending prior international application number PCT/EP02/07927 filed on July 17, 2002 which designated the United States.

Inventor(s):

Thomas GRUPP whose address is **Ilgenhofstrasse 8, D-73072 Donzdorf (Reichenbach), Germany** and whose citizenship is: **Germany**

Josef KOZAK whose address is **Semmelweisstrasse 1, D-78532 Tuttlingen, Germany** and whose citizenship is: **Germany**

Title: **MEDICAL IMPLANT SYSTEM**

APPLICATION ELEMENTS:

- (1) ☒ Patent Application Specification, including Abstract and claims - **24** pages
- (2) ☒ **Three (3)** sheet(s) of **formal drawings**, together with transmittal letter
- (3) ☐ A check in the amount of \$_____ to cover the ☐ filing fee(\$.00) and/or ☐ Assignment Recordal Fee (\$_____) is enclosed.
- ☐ Before calculating the fee, cancel claim(s)
- ☐ Before calculating the fee, see copy of Preliminary Amendment filed.

| | | | | | | | | | |
|-------------------------------------|-----------------------|--------------|----|-----------|---|-------|---|----------|------------------|
| Basic Fee | | | | | | | | \$ | 770.00 |
| Multiple Dependent Claims (\$260.) | | | | | | | | | |
| Foreign Language Surcharge (\$130.) | | | | | | | | | |
| | For | No. Filed | - | No. Extra | | Rate | | | |
| EXTRA | Total Claims | 25 | 20 | 5 | x | \$18. | = | \$ | 90.00 |
| CLAIMS | Independent Claims | 1 | 3 | 0 | x | \$86. | = | \$ | 0.00 |
| TOTAL FILING FEE | | | | | | | | = | \$ 860.00 |

☐ The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

- (4) ☐ Declaration and Power of Attorney form
- a. ☐ Newly executed
 - b. ☐ Copy from a prior application
 - c. ☐ Deletion of inventor(s) – signed statement attached deleting inventor(s) named in the prior application.
- (5) ☐ Small Entity Status

ACCOMPANYING APPLICATION PARTS:

- (6) ☐ Assignment document
- a. ☐ Newly executed (with \$40.00 recordal fee) and separate transmittal Form PTO-1595
 - b. ☐ Copy from a prior application
 - c. ☒ Please include assignee information when this application is published
Assignee: AESCULAP AG & Co. KG
Am Aesculap-Platz
D-78532 Tuttlingen
Germany
- (7) ☐ Preliminary Amendment
- (8) ☐ Certified Copy of Priority Document, together with separate transmittal letter
- (9) ☐ Information Disclosure Statement, together with PTO Form 1449 and copies of cited references
- (10) ☒ Return receipt postage prepaid postcard
- (11) ☒ Express Mail Certificate (Mailing Label No. EV 129898168 US)

(12) ☒ Application Data Sheet

(13) ☐ Other:

(14) ☒ Please amend the specification by inserting before the first line the sentence:

**"This application is a continuation of international application number
PCT/EP02/07927 filed on July 17, 2002."**

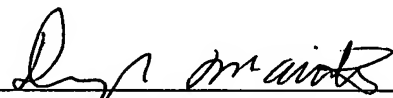
(15) ☒ This application claims the benefit of German Patent Application
No. 101 37 011.3 filed July 28, 2001.

(16) ☒ Correspondence address:

**Barry R. Lipsitz
Law Offices of Barry R. Lipsitz
755 Main Street, Building 8
Monroe, CT 06468
Telephone: (203) 459-0200**

(17) ☒ Pursuant to the provisions of 37 C.F.R. Sections 1.10 and 1.53, Applicants
respectfully request that this application be assigned a serial number and a filing
date of January 26, 2004, the date upon which the application was mailed to the
Patent and Trademark Office by Express Mail (No. EV 129898168 US).

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Law Office of Barry R. Lipsitz
Registration No. 37,886
755 Main Street, Bldg. 8
Monroe, CT 06468
(203) 459-0200

**ATTORNEY DOCKET NO.: HOE-795
Date: January 26, 2004**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Grupp et al.)
)
Filed: Herewith)
)
For: **MEDICAL IMPLANT SYSTEM**

EXPRESS MAIL CERTIFICATE

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

"Express Mail" mailing label number **EV 129898168 US**

Date of Deposit: **January 26, 2004**

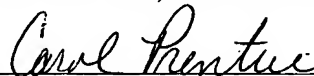
I hereby certify that the attached:

- ☒ Return receipt postage prepaid postcard;
- ☒ Transmittal Letter (Request for Filing a Continuation or Division of an International Application), with attachment - 3 pages total;
- ☒ Application Data Sheet;
- ☒ Patent Application Specification including Abstract and Claims (24 pages);
- ☒ Three (3) sheets of formal drawings, together with transmittal letter.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and 1.53 on the date indicated above and is addressed to: **MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

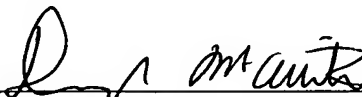
Carol Prentice

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Law Office of Barry R. Lipsitz
Registration No. 37,886
755 Main Street, Bldg. 8
Monroe, CT 06468
(203) 459-0200

Date: **January 26, 2004**

ATTORNEY DOCKET NO.: **HOE-795**

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Grupp et al.)
Application No.:)
Filed: Herewith)
For: **MEDICAL IMPLANT SYSTEM**)

DRAWING REVIEW BRANCH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (No. EV 129898168 US) addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2004.

By: Carol Prentice
Carol Prentice

TRANSMITTAL OF FORMAL DRAWINGS

Dear Sir:

Enclosed are three (3) sheets of formal drawings for filing in the above-referenced patent application.

Please advise the undersigned attorney if correction is necessary.

Respectfully submitted,

Date: January 26, 2004
ATTORNEY DOCKET NO.: HOE-795

Douglas M. McAllister
Douglas M. McAllister
Attorney for Applicant(s)
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